

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHAW FAMILY ARCHIVES, LTD., BRADFORD	:
LICENSING, INC., JAMES DOUGHERTY,	:
VALHALLA PRODUCTIONS, LLC., EDITH	:
MARCUS and META STEVENS,	05 CV 3939 (CM)
	:
Plaintiffs/Consolidated Defendants	:
	: <b><u>Honorable Colleen</u></b>
	: <b><u>McMahon</u></b>
-against-	:
	:
CMG WORLDWIDE, INC., an Indiana Corporation,	:
and MARILYN MONROE, LLC, a Delaware Limited	:
Liability Company,	:
	:
Defendants/Consolidated Plaintiffs.	:
-----x	

**SECOND SUPPLEMENTAL DECLARATION OF DAVID M. MARCUS**

David M. Marcus, pursuant to 28 U.S.C. §1746, declares as follows:

1. I am a partner of the firm Marcus & Greben, attorneys for Plaintiff/Consolidated Defendant/Shaw Family Archives Ltd (“SFA”), Plaintiff Edith Marcus, Plaintiff Meta Stevens and Consolidated Defendant Bradford Licensing, Inc. (“Bradford”). I respectfully submit this declaration on behalf of SFA and Bradford in support of their position that Marilyn Monroe was domiciled in New York and in further support of their Cross-Motion for Summary Judgment dismissing Count II in defendants Second Amended Complaint.

2. A true and correct copy of this sound recording of Dave Garroway’s interview of Marilyn Monroe, on June 12, 1955, on cd-rom disk, is annexed hereto as Exhibit A. I copied this sound recording directly from the website located at [www.monitorbeacon.com](http://www.monitorbeacon.com), copied it on my Dell laptop computer, and then directly transferred it onto the cd-rom disk. At no time did I enhance or alter this sound

recording. A true and correct copy of this sound recording of Dave Garroway's interview of Marilyn Monroe, on June 12, 1955, on cd-rom disk, is annexed hereto as Exhibit A..

3. A true and accurate copy of an obituary of Ralph Peters, who died on April 30, 1999, obtained from [www.ralphroberts.com](http://www.ralphroberts.com), is annexed hereto as Exhibit B.

4. A true and accurate copy of an article obtained from [www.thestandard.com.hk](http://www.thestandard.com.hk), and originally published on April 8, 2006 in the Standard Weekend, China's Business Newspaper, is annexed hereto as Exhibit C. According to this article, it was impossible to verify the certificates of authenticity of certain Marilyn Monroe memorabilia left to her friends and co-workers, as these people, including May Reis, are dead.

5. A true and accurate copy of a document obtained from a search of May Reis, obtained from LexisNexis, Smart.Linx Person Summary Reports, is annexed hereto as Exhibit D. This document states that May Reis died in July of 1982.

6. I have attempted to locate and contact Ms. Monroe's maid, Hattie Stephenson Amos and her press secretary, Patricia Newcomb. We were unable to find records regarding Ms. Stephenson and, as such, were unable to locate her. We were able to ascertain that Ms. Newcomb, now Patricia Wigan, resides in California. We made several calls to Ms. Wigan's children and her business representatives, but have been unable to contact her.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 26 day of March 2007, in New York, New York.



David M. Marcus

**EXHIBIT “A”**

**EXHIBIT “B”**

## Ralph L. Roberts

Ralph L. Roberts, 82, Parkview Circle, died Friday (April 30, 1999) at his home.

Born Aug. 17, 1916, in Salisbury, he was the son of the late Hugh Kerr and Lula Walker Roberts.



He was educated in Roberts the Salisbury City Schools and graduated from Catawba College. He was a World War II veteran, serving as assistant adjutant general to Gen. Joseph Stilwell in Burma. He was one of the first liaison officers from the Pentagon to the White House.

Following his military service, he attended the Method acting school in New York, studying under Lee Strasberg with others including James Dean, Marilyn Monroe, Shelley Winters and Marlon Brando. He went on to a career on stage and screen, appearing with Marilyn Monroe in "The Misfits" and with Dean Martin and Judy Holliday in "The Bells are Ringing."

He was on the cover of "Time" magazine in 1954. He had lived in New York and California before moving back to Salisbury.

Survivors include sister Mabel R. Hoffner, Cartersville, Ga.

**Services:** Graveside, 3 p.m. Monday, City Memorial Park.

**Visitation:** None.

EXHIBIT “C”

HOME

The Student

SING TAO

NOTICES

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TOP 100**NO.1 International Consumer Goods Fair In China****June 8th to 12th NINGBO • CHINA****Standard  
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China's Business Newspaper

**SECTIONS****Business****China****Metro****Focus****Opinion****Markets****World****Sports****Entertainment****SPECIALS****Standard Money****Property****Standard  
Weekend****Spectrum**[PRINT](#) [SAVE](#) [EMAIL](#)**Pieces of Marilyn***Saturday, April 08, 2006*

The memorabilia market advertizes an inordinate number of items that supposedly belonged to the Hollywood icon. How do collectors know if they're fake or for real? The only advice is buyer beware, writes Robert Welkos

Jill Adams, who runs an unofficial Marilyn Monroe fan Web site called forevermarilyn.com, groaned as she recalled the time her mother surprised her with a pair of the late actress' shoes, size nine.



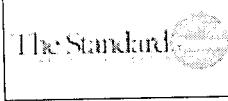
"Clearly, they weren't her shoes," Adams said. "Marilyn wore size seven. The seller admitted it wasn't Marilyn's size but said her feet sometimes swelled. My mother got taken for more than US\$700 [HK\$5,460]."

If the collectibles market is to be believed, Marilyn Monroe either signed, wore, owned or saved thousands of items - clothing, lingerie, jewelry, shoes, hats - that continue to fetch a pretty penny.

But there are only so many items Monroe could have possibly amassed before dying from an overdose at age 36 on August 4, 1962. What's more, Monroe wasn't a clotheshorse, says Ernest Cunningham, author of the book *The Ultimate Marilyn*.

Despite her glamorous image, Monroe "was known to wear blue jeans and sweatshirts most of the time. When she went to premieres or parties, she would go to the (20th Century) Fox wardrobe department and pick something out," he said. "If you look at many photos of her at parties, you can recognize the same dresses over and over."

Allegations of fraud, such as those lodged against a Long Beach exhibit of Monroe memorabilia, continuing at the Queen Mary through April 15, rarely get the attention of law enforcement. More often than not, it's buyer beware with Marilyn memorabilia.

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The allure of Monroe, more than four decades after her death from an overdose of sleeping pills, is still powerful.

Forbes.com recently published a survey titled "Highest-Earning Dead Celebrities," which compared the money their estates earn each year from sales of licensed books, recordings, coffee cups, posters and advertisements, among other things. Monroe ranked seventh - the only woman in the top 13 - with earnings of more than US\$8 million a year. Elvis Presley, the King of rock 'n' roll, ranks No1 on the list with US\$45 million a year.

The official Monroe Web site, [marilynmonroe.com](http://marilynmonroe.com), has received more than two billion hits since its inception about seven years ago, according to those who run the site on behalf of her estate.



A signed 23-by-36-centimeter photo of the actress can command as much as US\$30,000 to US\$40,000. And in the last three months of 2005 alone, eBay auctioneers sold more than 35,000 items identified as authentic Monroe memorabilia.

The value of her collectibles skyrocketed in October 1999, sparked by the headline-grabbing sale of the sequined, flesh-colored dress she wore to serenade President John F. Kennedy on his birthday in May 1962, just three months before her death.

The dress came from a treasure trove of authenticated items, such as clothing and jewelry, that had been stored in a Manhattan warehouse - for years. They belonged to her estate, which was inherited by Anna Strasberg from her husband, the late Lee Strasberg, who was Monroe's acting coach and confidant. Christie's auction house had placed an estimated value on the items at US\$2.5 million to US\$3 million.

Instead, the cache brought in US\$13 million.

"The market hadn't seen memorabilia like this," said Kathleen Guzman, a Christie's senior vice-president at the time. "These were Marilyn's. These were things she chose to keep, and she kept them close to her heart. You can't put a price tag on some of that stuff."

New York collector Pete Siegel and a partner bought the sequined dress for US\$1.2 million. It continues to be one of their best investments. "I can tell you we've been offered, numerous times, a heck of a lot more than double what we've paid for it."

In contrast to the dress, whose authenticity is proved in part by the grainy black-and-white news footage of Monroe wearing it at Kennedy's birthday bash, much of the memorabilia bought and sold today requires a leap of faith.

The Internet has been flooded with items that Monroe purportedly left behind while visiting her friends and co-workers, including studio hairdresser Sydney Guilaroff; Monroe's personal makeup man, Allan "Whitey" Snyder; her personal secretary, May Reis; and Elaine Barrymore, the widow of actor John Barrymore. All are dead, making it nearly impossible to verify the "certificates of authenticity" that accompany items sold outside her estate.

"About seven or eight years ago, items suddenly started appearing from an Elaine Barrymore," recalled Greg Schreiner, an avid collector and a longtime member of the Los Angeles-based Marilyn Remembered fan club. "Clothing, jewelry, shoes, hats. All items that she said Marilyn accidentally left at her home when she was visiting. At first you think, 'OK, maybe.' But when it started getting into the 200 and 300 items, you have to go, 'Wait a minute ...'"

There are also questions about the authenticity of "hundreds of items" that are said to come from the actress' foster sister, Eleanor "Bebe" Goddard. Schreiner, who was a close friend of Goddard, said he was going through her papers after her death in February 2000 when he said he discovered letters suggesting that Goddard and a New York collectible dealer were scheming to sell fake Monroe memorabilia.

In a letter dated April 23, 1996, Goddard advised the dealer to place tissue paper between the folds of a garment and then use a piece of cotton to "very lightly" dab Chanel No5 perfume - reportedly Monroe's favorite - on the tissue.

Schreiner said he never alerted police about his suspicions but said he confronted the dealer and warned him to stop.

Controversy also surrounds a birthday card that Monroe is said to have made for Kennedy. The card, which sold at auction recently for US\$78,000, includes a 23-by-30cm watercolor of a long-stemmed red rose. "Happy Birthday Pres Kennedy from Marilyn Monroe" is scrawled at the bottom of the card in blue ink.

But skeptics ask: Why does the card carry two more puzzling inscriptions?

In black ink are the words: "Happy Birthday, Marilyn," followed by "June 1, 1962" - the actress' own birth date - and "My best wishes, Marilyn." Could it be that the card was actually given to Monroe, and then the Kennedy inscription added later, to boost its value?

Darren Julien, whose West Hollywood auction house sold the card, harbors "no doubts whatsoever" about the card's authenticity. Guzman, the former Christie's executive, conceded that while the birthday card is "an enigmatic piece," she confirmed it came directly from Monroe's estate and says that the signatures are "exactly the same style and signed almost exactly the same way" as other items in the estate.

There are few iron-clad ways to prove that an item belonged to Monroe.

Dealers often rely on photos of Monroe wearing a particular piece of clothing or jewelry. After all, she was one of the world's most photographed women.

A lack of such photographic "evidence" became an issue last spring when the Hollywood Entertainment Museum was preparing to showcase an exhibit of Monroe memorabilia owned by Chicago collector Robert Otto.

After unpacking the crates, museum president and founder Donelle Dadigan became concerned that the collection did not come with photos.

"I couldn't put any of the pieces together - how she would have worn it, where she would have worn it," Dadigan recalled.

The museum also was baffled to find that Monroe's shoes came in varying sizes, from size 5 to 8.

"That really got us jumping up and down, feeling someone was trying to pull a fast one on us," said museum attorney George Braunstein.

The museum canceled its exhibition, but Otto's collection moved on to the Queen Mary in Long Beach, where tickets to the Marilyn exhibit go for US\$22.95 each. Otto told the Los

Angeles Times in November that he doesn't have many photos to go along with the clothing, jewelry and other accessories that make up the displayed collection because these were not the kinds of items that the actress wore to photo shoots, premieres and parties.

"This is really a private, up-close tour of Marilyn, and it's kind of devoid of those big, splashy gowns and big movie pieces," Otto said at the time. "If you look at the stuff, it's a private collection, a personal collection."

Otto's attorney, Richard Harris of Chicago, insisted the collection is authentic and added that he has the documentation to prove it.

Not so, says Mark Bellinghaus, a Los Angeles-based collector with his own Marilyn Monroe memorabilia. He and Cunningham, the author, are equally convinced that some items in the collection are fraudulent. The bulk of it is said to have come from a relative of Monroe's one-time husband, baseball Hall of Famer Joe DiMaggio. But DiMaggio's longtime attorney, citing the baseball player's penchant for privacy, said he would have never given away Monroe's belongings.

Cunningham's and Bellinghaus' suspicions weren't enough to convince the Long Beach city attorney's office, which declined to open an investigation of the Queen Mary exhibit. The Long Beach Police Department also turned down a request to look into the matter.

Bellinghaus, whose own Monroe collection includes furniture she purchased for her Brentwood home, said he's not giving up and calls his investigation into Otto's collection "the most important mission in my life to date."

But Mark Roesler, chairman and chief executive of CMG Worldwide, the Indianapolis-based company that licenses the names and likenesses of 250 celebrities, including Monroe, said he remains "absolutely convinced" that Otto's collection is authentic and has appraised it as being worth US\$8.75 million. He said he's not at all surprised by the allegations of fraud.

"You always have jealous fan club members and collectors who question such things," Roesler said. "It goes with the territory."

LOS ANGELES TIMES



**Letters to the Editor**

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**EXHIBIT “D”**

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Full Name	Address	County	PI
REIS, MAY			

**ADDITIONAL PERSONAL INFORMATION**

SSN	DOB	DOD	GENDER
105-03-XXXX (NEW YORK: 1936-1951) * SSN belongs to a person reported as deceased.	05/1890 (Would be: 116)	07/1982 (Age at Death: 92)	

**Subject Summary**[Name Variations \(1\)](#) | [SSNs Summary](#)[View Name](#)**Name Variations**

1: REIS, MAY

**SSNs Summary**

No.	SSN	State Iss.	Date Iss.	Warnings
1:	105-03-XXXX	NEW YORK	1936-1951	* SSN belongs to a person reported as deceased.

**DOBs**

1: 05/1890

**Sources****Sources**

All Sources

2 Source Docum

DECEASED

1 Source Docum

Historical Person Locator

1 Source Docum

Key:

- ✖ High or moderate risk indicator. These flags may prompt you to investigate further
- ✓ The most recent telephone listing as reported by the EDA source

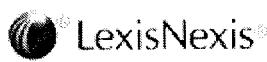
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